

# EXHIBIT 1

SM

547 W. Jackson Blvd. Chicago, Illinois 60661 Telephone: (312) 322-6900 TTY# 1-312-322-6774

Jennifer J. Mayhew  
Senior Litigation Attorney  
Direct Dial 312-322-7080  
Facsimile: 312-322-6698  
Email: jmayhew@metrarr.com

May 8, 2009

VIA FACSIMILE (312-629-0509) and U.S. Mail

Phillip Oliver, Esq.  
Joseph FitzSimmons, Esq.  
Law Offices of Robert D. Kuzas Ltd.  
222 N. LaSalle St., Suite 200  
Chicago, IL 60601

Re: Matthew Granberg v. Kimble, et al.  
Case No. 08 C 3131 (United States District Court/N.D. Illinois)

Dear Counsels:

This letter will confirm party depositions in this case. Matthew Granberg's deposition will proceed at Metra's offices on May 18, 2009, at 10:00 a.m. Sergeant Collins and Officer Kimble will be presented for their depositions at your offices on May 22, 2009, beginning at 10:00 a.m., and Officer Geanes will be presented at your offices at 10:00 a.m. on June 4, 2009.

Presently, we anticipate the depositions of Michael and Jacqueline Granberg will take place June 10, 2009, at Metra's offices, and the subpoena deposition of Deborah Coleman will be at Metra's offices on Friday, June 12.

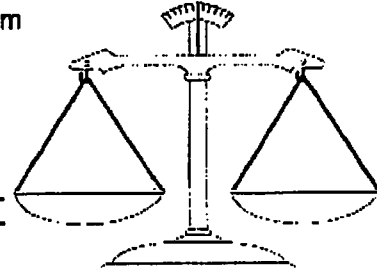
Thank you for your cooperation in this matter.

Very truly yours,

  
Jennifer J. Mayhew  
Senior Litigation Attorney



Jennifer J. Mayhew  
Senior Attorney  
Direct Dial: 312.322.7080  
Facsimile: 312.322.6698  
Email: jmayhew@metrarr.com



**FAX TRANSMITTAL SHEET**  
**LAW DEPARTMENT**

**NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION**  
**d/b/a METRA/METROPOLITAN RAIL**  
**547 WEST JACKSON BOULEVARD, 15TH FLOOR**  
**CHICAGO, ILLINOIS 60661**  
**(312) 322-6900 - FAX (312) 322-6698**

**DATE:** May 8, 2009

**TO:** Phillip Oliver, Esq.  
Joseph FitzSimmons, Esq.  
Law Offices of Robert D. Kuzas Ltd.

**FAX NUMBER:** 312.629.0509

**FROM:** Jennifer J. Mayhew  
Senior Attorney

**SUBJECT:** Matthew Granberg v. Kimble, et al.  
Case No. 08 C 3131 (United States District Court/N.D. Illinois)

**Number of pages including cover sheet:** 2

**REMARKS:**

**IF YOU HAVE ANY TROUBLE RECEIVING THIS FACSIMILE PLEASE CALL: (312) 322-6688**

---

**CONFIDENTIALITY NOTICE**

**THE DOCUMENTS ACCOMPANYING THIS TELECOPY TRANSMISSION CONTAIN INFORMATION THAT IS CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY NAMED ON THIS TRANSACTION SHEET. IF YOU ARE NOT THE INTENDED RECIPIENT, BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR USE OF THE CONTENTS OF THIS INFORMATION IS PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY SO THAT WE CAN ARRANGE FOR THE RETRIEVAL OF THE DOCUMENTS AT NO COST TO YOU.**

# EXHIBIT 2

LAW OFFICES OF  
**ROBERT D. KUZAS, LTD.**

222 NORTH LASALLE STREET • SUITE 200 • CHICAGO, IL 60601 • PHONE 312.629.1400 • FAX 312.629.0509

ROBERT D. KUZAS

---

THOMAS L. KARPINSKI  
CHRISTOPHER C. SYREGELAS  
JOSEPH T. FITZSIMMONS  
PHILLIP J. OLIVER

June 17, 2009

Jennifer Mayhew  
Senior Litigation Counsel  
METRA LAW DEPARTMENT  
547 W. Jackson Blvd. 15<sup>th</sup> floor  
Chicago IL 60661

Re: Granberg v. Kimble, et al.  
08 C 3131 (United States District Court/N.D. Illinois)

Dear Counsel:

Enclosed you will find correspondence from Dr. Kathleen Krupica regarding treatment of my client for the extreme emotional distress arising out of physical abuse your clients inflicted on Matthew on August 30, 2007.

I have scheduled Dr. Krupica's discovery deposition for Wednesday, July 22, 2009 at the hour of 10:00 a.m. at her office (4055 West Peterson Avenue in Chicago [60646]).

Very truly yours,

Joseph T. FitzSimmons

JfS/pc

cc: Matthew Granberg  
Kathleen A. Krupica, Psy.D.  
file

# EXHIBIT 3



547 W. Jackson Blvd. Chicago, Illinois 60661 Telephone: (312) 322-6900 TTY# 1-312-322-6774

Sue-Ann Rosen  
Senior Director,  
Litigation/Risk Management  
Direct Dial: (312)322-6684  
Fax: 312/322-6698  
E-Mail: [srosen@metrarr.com](mailto:srosen@metrarr.com)

July 13, 2009

VIA FACSIMILE (312-629-0509) AND U.S. MAIL

Joseph T. FitzSimmons, Esq.

**Law Office of Robert D. Kuzas, Ltd.**

Suite 200

222 North Lasalle Street

Chicago, Illinois 60601

Re: Matthew Granberg v. Officer Dion Kimble, et al. 08 CV 3131

Dear Mr. FitzSimmons:

I am in receipt of your July 7, 2009 letter which is replete with threats and inaccuracies. Many of the issues you raise could have been easily resolved if you had returned our phone calls, as required under the federal rules. The litigation process depends on open communication between counsel. You simply do not call us back. Upon receipt of your letter, and despite its tone, I called you on July 10, 2009 to resolve matters raised therein. You have not called me back, again. As such, I will respond to the issues you raised.

Ms. Mayhew and I will not appear for deposition and object to your taking of the depositions which is an abuse of the discovery process.

Your reference to Ms Mayhew in diapers is so utterly inappropriate that I will ask you to refrain from such references.

Officer Granberg is a material witness in this case. He is not a party and therefore is subject to subpoena, as is his ex-wife. Of course, we are amenable to choosing mutually agreeable and reasonable dates for their or any deposition, but the dates that you provided do not work for this office. We suggest August 19, 21, 24, 26, or 27. Further, contrary to your accusation, we had no knowledge that you represented Officer Granberg or his ex-wife in this matter until your July 7 letter.

Contrary to your statements, we have no knowledge that anyone contacted Matthew Granberg. Further, our process server never knowingly spoke with Matthew Granberg. Further, our process server never spoke with Officer Granberg about the case.

We do not know why you scheduled Dr. Krupica's deposition without our input. We will not be prepared to depose her on July 22, 2009. Indeed, we did not ask you to schedule her deposition at this time, but rather, to obtain Plaintiff's records for our review. Inasmuch as you are communicating with Dr. Krupica to schedule her deposition, we suggest alternate dates of September 22, 23, 29, or 30.

In response to your demand that my clients, who are party-defendants, refrain from appearing at any future deposition, be advised that they will not waive their appearances at any deposition. Further, refrain from characterizing them as "thugs." It is inappropriate and I take exception to it.

In response to your demand that defendants withdraw the subpoena for Plaintiff's school records, be advised that they are relevant because Plaintiff claimed to Dr. Krupica that his school work was negatively affected. As such, his school records are very relevant.

To the extent that you obtained a statement from Ms. Fuller or know the substance of her testimony, provide that to us, pursuant to your obligations under the federal rules.

The deposition of Chief James Sanford will not proceed on August 5. The depositions of Denise Bilski and Ryan Ames are scheduled for and will proceed on August 3.

Finally, as to Plaintiff's deposition, following ruling on our motions on July 6, 2009, you stated you would call Ms. Mayhew at the end of the day to re-schedule, which you did not do. Neither August 6 nor August 7 work for this office. We suggest August 28, September 1 or September 3.

Very truly yours,

  
Sue-Ann Rosen

cc: Jennifer J. Mayhew  
Richard A. Capra



# EXHIBIT 4

**KEVIN B. O'ROURKE**  
**ATTORNEY AT LAW**

June 22, 2009

Ms. Jennifer Mayhew  
Senior Litigation Counsel  
Metra Law Department  
547 W. Jackson, 15<sup>th</sup>  
Chicago, IL 60661

Re: **Granberg v. Kimble**  
08 C3131 (United States District Court/N.D. Illinois)

Please be advised, I have been retained by Ms. Denise Bilski, to represent her in any future involvement in the above referenced matter.

I have explained your intention to depose her regarding any knowledge of the facts of this matter, and Ms. Bilski has stated that she has none, which she would be willing to swear to in an affidavit.

In light of the above, she has no information that would make her a witness in this case, therefore, it is improper for you to depose her, and I at this time demand that you withdraw her subpoena.

If you fail to withdraw said subpoena, I will petition the United States District Court to quash said subpoena. Upon the Court granting said petition, I will immediately file for attorney fees and costs, pursuant to Rule 11.

Sincerely:



Kevin B. O'Rourke

222 N. LaSalle, Suite # 200  
Chicago, Illinois 60601  
Phone 312.541.2802 Fax 312.541.2804